

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : **10/654,761**
Filed : September 4, 2003
Applicant : Dennis Auseillo, et al.
Title : Method and Device For the Controlled Delivery of Parathyroid Hormone

TC/AU : 3767
Examiner : Elizabeth MacNeill

Docket No. : 17509-0065
Customer No. : 29052

**REQUEST TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. § 1.48(a)**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.48(a), applicants respectfully request correction of the inventive entity for the above-identified patent application. The Commissioner is authorized to charge Deposit Order Account 19-5029 in the amount of \$130.00 to cover the processing fee under 37 C.F.R. § 1.17(i) for this request.

Correction is required to add Scott A. Uhland, John M. Maloney, and Benjamin F. Polito as inventors because through error and without deceptive intention on the part of Scott A. Uhland, John M. Maloney and Benjamin F. Polito, they were not named as inventors. Therefore, the requested and correct inventorship is as follows:

Dennis Auseillo
John T. Santini, Jr.
Stephen J. Herman
James H. Prescott

U.S.S.N. 10/654,761
Filed: September 4, 2003
REQUEST TO CORRECT
INVENTORSHIP UNDER 37 C.F.R. 1.48(a)

Scott A. Uhland
John M. Maloney
Benjamin F. Polito

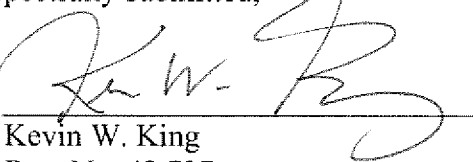
A Statement By each Inventor to be Added is enclosed. Added inventors Scott A. Uhland, John M. Maloney and Benjamin F. Polito state that the error in inventorship occurred without deceptive intention on their part.

A Substitute Declaration and Power of Attorney executed by all inventors is also enclosed.

A Consent by Assignee to Inventorship Change is also enclosed, along with a Statement under 37 C.F.R. § 3.73(b) and an Assignment from Scott A. Uhland, John M. Maloney and Benjamin F. Polito to MicroCHIPS, Inc.

Prompt consideration and acceptance of this request is earnestly solicited.

Respectfully submitted,

By: 
Kevin W. King
Reg. No. 42,737

Date: February 1, 2007
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
(404) 853-8068

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/654,761
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Applicant : Dennis Ausiello, et al.
Title : Method and Device for the Controlled Delivery of Parathyroid Hormone

Docket No. : 17509-0065
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**STATEMENT BY INVENTOR TO BE ADDED
UNDER 37 C.F.R. 1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Scott A. Uhland, respectfully request correction of the inventive entity for the above-identified patent application, to include me as an inventor. The inventorship error, by which I was omitted from the inventive entity, occurred without deceptive intention.

Respectfully submitted,

By: 

Scott A. Uhland

Date: November 3, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : **10/654,761**
Filed : September 4, 2003

Applicant : Dennis Ausiello, et al.
Title : Method and Device for the Controlled Delivery of Parathyroid Hormone

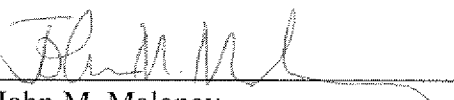
Docket No. : 17509-0065
Customer No. : 29052

**STATEMENT BY INVENTOR TO BE ADDED
UNDER 37 C.F.R. 1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, John M. Maloney, respectfully request correction of the inventive entity for the above-identified patent application, to include me as an inventor. The inventorship error, by which I was omitted from the inventive entity, occurred without deceptive intention.

Respectfully submitted,

By: 
John M. Maloney

Date: Jan. 16, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/654,761
Filed : September 4, 2003

Applicant : Dennis Ausiello, et al.
Title : Method and Device for the Controlled Delivery of Parathyroid Hormone

Docket No. : 17509-0065
Customer No. : 29052

STATEMENT BY INVENTOR TO BE ADDED
UNDER 37 C.F.R. 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Benjamin F. Polito, respectfully request correction of the inventive entity for the above-identified patent application, to include me as an inventor. The inventorship error, by which I was omitted from the inventive entity, occurred without deceptive intention.

Respectfully submitted,

By: 

Benjamin F. Polito

Date: November 9, 2006

SUBSTITUTE DECLARATION AND POWER OF ATTORNEY

In re Application of: **Dennis Ausiello, John T. Santini Jr., Stephen J. Herman,
James H. Prescott, Scott A. Uhland, John M. Maloney, and Benjamin F. Polito**

As a below named inventor, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names. We believe we are the original, first and sole inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **"METHOD AND DEVICE FOR THE CONTROLLED DELIVERY OF PARATHYROID HORMONE,"** the specification of which:

☐ is attached hereto.

☒ was filed on September 4, 2003 as Application No. 10/654,761.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. We do not know and do not believe that the same was ever known or used by others in the United States of America before our invention thereof, or patented or described in any printed publication in any country before our invention thereof or more than one year prior to the date of this application. We further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. We *understand that we have a duty of candor and good faith toward the Patent and Trademark Office*, and we acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119	
			YES	NO

We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Application No.	Country	Filing Date	Priority Claimed Under 35 USC §119	
			YES	NO
60/408,165	US	September 4, 2002	√	

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Country	Filing Date	Status: Patented, Pending, Abandoned

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: We appoint the practitioners associated with **Customer No. 29052**, which currently includes:

Peter G. Pappas – Reg. No. 33,205
 Daniel J. Warren – Reg. No. 34,272
 William L. Warren – Reg. No. 36,714
 Malvern U. Griffin III – Reg. No. 38,899
 Kevin W. King – Reg. No. 42,737
 Russell A. Korn – Reg. No. 54,236
 Kathryn H. Wade – Reg. No. 54,682
 Michael I. Krause – Reg. No. 53,157


William F. Long – Reg. No. 51,967
 Robert J. Walters – Reg. No. 40,862
 Christina Ondrick – Reg. No. 46,198
 Lei Fang – Reg. No. 44,676
 Elizabeth A. Lester – Reg. No. 55,373
 Jason Chang – Reg. No. 58,092
 William Cook – Reg. No. 58,072
 Kar Yee Tse – Reg. No. 58,702

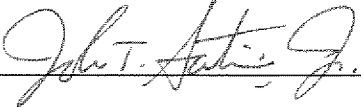
to prosecute this application and transact all business in the U.S. Patent and Trademark Office.

Send correspondence to: USPTO Customer No. **29052**

Kevin W. King, Esq.
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309-3996

Direct telephone calls to: (404) 853-8068

Full name of first inventor:	Dennis Ausiello	Citizenship:	U.S.
Inventor's signature		Date:	<u>1/17/07</u>
Residence and Post Office Address: 38 Bradford Road, Wellesley Hill, MA 02481			

Full name of second inventor:	John T. Santini Jr.	Citizenship:	U.S.
Inventor's signature		Date:	<u>1-17-07</u>
Residence and Post Office Address: 12 Maynard Circle, North Chelmsford, MA 01863			

Full name of third inventor:	Stephen J. Herman	Citizenship:	U.S.
Inventor's signature	_____	Date:	_____
Residence and Post Office Address: 50 Sunset Rock Road, Andover, MA 01810			

Full name of fourth inventor:	James H. Prescott	Citizenship:	U.S.
Inventor's signature	_____	Date:	_____
Residence and Post Office Address: 85 Trowbridge Street, #3, Cambridge, MA 02138			

to prosecute this application and transact all business in the U.S. Patent and Trademark Office.

Send correspondence to: USPTO Customer No. **29052**

Kevin W. King, Esq.
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309-3996

Direct telephone calls to: (404) 853-8068

Full name of first inventor: **Dennis Ausiello** Citizenship: **U.S.**

Inventor's signature _____ Date: _____

Residence and Post Office Address: **38 Bradford Road, Wellesley Hill, MA 02481**

Full name of second inventor: **John T. Santini Jr.** Citizenship: **U.S.**

Inventor's signature _____ Date: _____

Residence and Post Office Address: **12 Maynard Circle, North Chelmsford, MA 01863**

Full name of third inventor: **Stephen J. Herman** Citizenship: **U.S.**

Inventor's signature  Date: 11/1/06

Residence and Post Office Address: **50 Sunset Rock Road, Andover, MA 01810**

Full name of fourth inventor: **James H. Prescott** Citizenship: **U.S.**

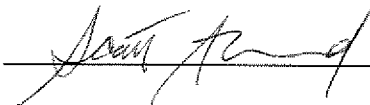
Inventor's signature  Date: 11/15/06

Residence and Post Office Address: **85 Trowbridge Street, #3, Cambridge, MA 02138**

Full name of fifth inventor: **Scott A. Uhland**

Citizenship: **U.S.**

Inventor's signature



Date: 11/3/06

Residence and Post Office Address: **982 South Street, Roslindale, Massachusetts 02131**

Full name of sixth inventor: **John M. Maloney**

Citizenship: **U.S.**

Inventor's signature

Date: _____

Residence and Post Office Address: **169 Msgr. O'Brien Hwy #213,
Cambridge, Massachusetts 02141**

Full name of seventh inventor: **Benjamin F. Polito**

Citizenship: **U.S.**

Inventor's signature

Date: _____

Residence and Post Office Address: _____

Full name of fifth inventor: **Scott A. Uhland** Citizenship: **U.S.**

Inventor's signature _____ Date: _____

Residence and Post Office Address: **982 South Street, Roslindale, Massachusetts 02131**

Full name of sixth inventor: **John M. Maloney** Citizenship: **U.S.**

Inventor's signature John M. Maloney Date: 1/16/07

Residence and Post Office Address: ~~169 Msgr. O'Brien Hwy #213,~~ 20 CORNELIUS WAY
Cambridge, Massachusetts 02141


Full name of seventh inventor: **Benjamin F. Polito** Citizenship: **U.S.**

Inventor's signature _____ Date: _____

Residence and Post Office Address:

Full name of fifth inventor: Scott A. Uhland	Citizenship: U.S.
Inventor's signature _____	Date: _____
Residence and Post Office Address: 982 South Street, Roslindale, Massachusetts 02131	

Full name of sixth inventor: John M. Maloney	Citizenship: U.S.
Inventor's signature _____	Date: _____
Residence and Post Office Address: 169 Msgr. O'Brien Hwy #213, Cambridge, Massachusetts 02141	

Full name of seventh inventor: Benjamin F. Polito	Citizenship: U.S.
Inventor's signature  _____	Date: <u>11/9/06</u>
Residence and Post Office Address: <u>2 Memorial Drive Lebanon, NH 03766</u>	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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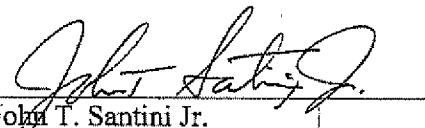
**CONSENT BY ASSIGNEE TO INVENTORSHIP CHANGE
REQUESTED UNDER 37 C.F.R. 1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MicroCHIPS, Inc., which is the assignee of rights in the above-identified patent application as indicated in the attached Statement Under 37 C.F.R. § 3.73(b), consents to and respectfully requests correction of the inventive entity for the application to add Scott A. Uhland, John M. Maloney, and Benjamin F. Polito as inventors.

The undersigned is authorized to act on behalf of MicroCHIPS, Inc. the Assignee.

Respectfully submitted,

By: 
John T. Santini Jr.
President and CEO
MicroCHIPS, Inc.

Date: February 1, 2007

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Dennis Ausiello, et al.Application No./Patent No.: 10/654,761 Filed/Issue Date: September 4, 2003

Entitled:

MicroCHIPS, Inc., a Corporation
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
 (The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014101, Frame 0599, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

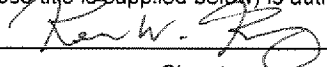
1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

	<u>31 January 2007</u>
Signature	Date
<u>Kevin W. King</u>	<u>404-853-8068</u>
Printed or Typed Name	Telephone Number
<u>Attorney</u>	
Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

WHEREAS, **Dennis Ausiello**, a citizen of The United States of America, residing at 38 Bradford Road, Wellesley Hill, Massachusetts 02481, **John T. Santini Jr.**, a citizen of The United States of America, residing at 12 Maynard Circle, North Chelmsford, Massachusetts 01863, **Stephen J. Herman**, a citizen of The United States of America, residing at 50 Sunset Rock Road, Andover, Massachusetts 01810, **James H. Prescott**, a citizen of The United States of America, residing at 85 Trowbridge Street, #3, Cambridge, Massachusetts 02138, **Scott A. Uhland**, a citizen of The United States of America, residing at 982 South Street, Roslindale, Massachusetts 02131; **John M. Maloney**, a citizen of The United States of America, residing at 20 Cornelius Way, Cambridge, Massachusetts 02141; and **Benjamin F. Polito**, a citizen of The United States of America, residing at 2 Memorial Drive, Lebanon, New Hampshire 03766 have invented certain inventions and improvements disclosed in U.S. patent application Serial No. 10/654,761, filed September 4, 2003, entitled "**METHOD AND DEVICE FOR THE CONTROLLED DELIVERY OF PARATHYROID HORMONE**," which claims priority to U.S. provisional patent application Serial No. 60/408,165, filed September 4, 2002; and

WHEREAS, **MicroCHIPS, Inc.** a corporation of the State of Delaware, having a principal place of business at 6-B Preston Court, Bedford, Massachusetts, 01730 is desirous of acquiring an interest in the same;

NOW, THEREFORE, for and in consideration of Five Dollars (\$5.00) and other good and valuable consideration, the receipt and sufficiency of which we hereby acknowledge, we, **Scott A. Uhland**, **John M. Maloney**, and **Benjamin F. Polito** by these presents do sell, assign and transfer unto **MicroCHIPS, Inc.**, the full, exclusive and entire right, title, and interest in and to said application, in and to any divisions, continuations, and reissues thereof, and in and to all inventions and improvements disclosed and described in said application, preparatory to


ASSIGNMENT

obtaining Letters Patent of the United States therefor; and we hereby request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States resulting from said application, or from a division, continuation, or reissue thereof, to **MicroCHIPS, Inc.**, as the assignee, for its interest and for the sole use and benefit of **MicroCHIPS, Inc.** and its assigns and legal representatives;

For the same consideration, we, by these presents do sell, assign, and transfer to **MicroCHIPS, Inc.**, the full, exclusive, and entire right, title and interest in and to any foreign application or applications corresponding to said application, in whole or in part, in countries other than the United States, in and to any Letters Patent and similar protective rights granted on said foreign applications, and in and to the right to claim any applicable priority rights arising from or required for said foreign applications under the terms of any applicable conventions, treaties, statutes, or regulations; said foreign applications to be filed and issued in the name of **MicroCHIPS, Inc.**, or its designee insofar as permitted by applicable law.

AND, for the same consideration, we agree to sign all lawful papers, execute all division, continuing, reissue and other applications, make all assignments and rightful oaths, and generally do everything possible to aid **MicroCHIPS, Inc.**, its successors, assigns, and nominees, to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world.


ASSIGNMENT


SCOTT A. UHLAND

State of Massachusetts)

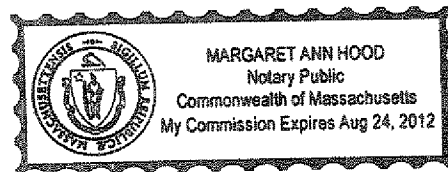
County of Middlesex)

Before me, a Notary Public in and for the State of Massachusetts, on this 3rd day of November, 2006, personally appeared **Scott A. Uhland**, who being duly sworn, signed and acknowledged the foregoing Assignment as his free act and deed.


NOTARY PUBLIC

(SEAL)

My Commission Expires: August 24, 2012



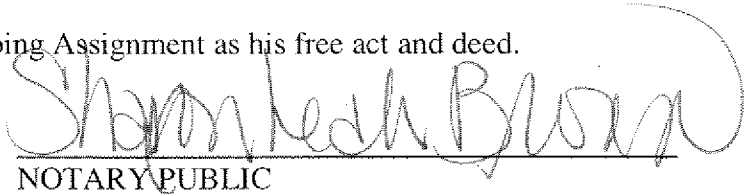
ASSIGNMENT



JOHN M. MALONEY

State of Massachusetts)
County of Middlesex)

Before me, a Notary Public in and for the State of Massachusetts on this
17 day of January, 2007, personally appeared **John M. Maloney**, who being duly
sworn, signed and acknowledged the foregoing Assignment as his free act and deed.



NOTARY PUBLIC

(SEAL)

My Commission Expires:

MY COMMISSION EXPIRES DECEMBER 1, 2011

ASSIGNMENT


BENJAMIN F. POLITO

State of New Hampshire)
County of Carroll)

Before me, a Notary Public in and for the State of New Hampshire on this
9th day of November, 2006, personally appeared **Benjamin F. Polito**, who being duly
sworn, signed and acknowledged the foregoing Assignment as his free act and deed.


NOTARY PUBLIC

(SEAL)

My Commission Expires: Oct 9, 2007

